

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE amending Title 27 of the Lincoln Municipal Code relating to the Zoning Code by amending Sections 27.06.080, 27.63.530, and 27.72.010 to allow a Healthcare Facility, Residential as a special permitted use in the AG zoning district on a lot which has five or more acres; amending Section 27.63.090 to allow dwellings for members of religious orders on a lot which has five or more acres; and repealing Sections 27.06.080, 27.63.090, 27.63.530, and 27.72.010 of the Lincoln Municipal Code as hitherto existing.

BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

Section 1. That Section 27.06.080 of the Lincoln Municipal Code be amended to read as follows:

**27.06.080 Group Living Use Group**

Characteristics: The Group Living Use Group is characterized by the residential occupancy of a structure by a group of people who do not meet the characteristics of Household Living. Tenancy is generally arranged on a month-to-month basis, or for a longer period. Group Living may have common eating and social areas for residents. The residents may receive any combination or duration of care, counseling, training, or treatment. Such uses include but are not limited to dwellings for members of religious orders, convalescent home, nursing home, domestic shelters, assisted living facilities, fraternities and sororities, group homes, and temporary shelters for the homeless.

Use Group Table:

Uses	AG	AGR	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	O3	RT	B1	B2	B3	B4	B5	H1	H2	H3	H4	I1	I2	I3
Alternative to imprisonment facilities		S	S	S	S	S	S	S	S	S								P								
Children's homes		S	S	S	S	S	S	S	S	S								P								
Domestic shelters	C	C	C	C	C	C	C	C	C	C				C				P			P	P	P			
Healthcare facilities, Residential	S		S	S	S	S	S	S	S	S	S	S	P	S	S	S	S	P	S							
Dwellings for members of religious orders	S	S	S	S	S	S	S	S	S	S								P								
Dwellings for non-related persons			S	S	S	S	S											P								
Fraternities and sororities								P	P	P								P								
Group homes	C	C	C	C	C	C	C	C	C	C	P		P	C				P	P							



1 (a) Parking shall be in conformance with Chapter 27.67 unless modified under the  
2 condition of the special permit, provided that no parking shall be permitted in the required front or  
3 side yards.

4 (b) Residential healthcare facilities shall be licensed to comply with all state  
5 requirements.

6 (c) The total number of client or employee residents shall not exceed the lot area ratio  
7 below except as provided for in this section, and provided that all facilities may have up to four  
8 individuals sixty years of age or older and one family acting as the residential caretaker:

9 (i) AG zoning district: One person per 5,000 square feet of lot area.

10 (ii) R-1 zoning district: One person per 3,000 square feet of lot area;

11 (iii) R-2 and R-3 zoning districts: One person per 2,000 square feet of lot area;

12 ~~(iii) R-3 zoning district: One person per 2,000 square feet of lot area;~~

13 (iv) R-4 zoning district: One person per 1,000 square feet of lot area;

14 (v) R-5 through R-8 zoning districts: One person per 750 square feet of lot area;

15 ~~(vi) R-6 zoning district: One person per 750 square feet of lot area;~~

16 ~~(vii) R-7 zoning district: One person per 750 square feet of lot area;~~

17 ~~(viii) R-8 zoning district: One person per 750 square feet of lot area;~~

18 (d) Depending on the character of the development and impacts on adjacent land uses,  
19 the Planning Commission may grant an increase in the number of residents allowed in (d) above  
20 where the site plan and building plans comply with the barrier-free standards in the design standards  
21 as adopted by the City Council. Such increase shall not exceed fifty percent.

22 (e) The height and yard lot requirements of the district in which the proposed use is  
23 located shall apply provided, however, that if the area of the lot is one acre or more, the height  
24 requirement of the district may be adjusted to provide flexibility in the design of buildings and to  
25 provide compatibility with surrounding uses except that solar access to adjacent buildings or  
26 potential buildings on land under other ownership shall not be reduced by such adjustment. In the

AG zoning district, residential healthcare facilities shall be located on a lot having a minimum of five acres.

Section 4. That Section 27.72.010 of the Lincoln Municipal Code be amended to read as follows:

**27.72.010 Height and Lot Regulations AG and AGR Districts.**

The maximum height and minimum lot requirements within the AG and AGR Districts shall be as follows:

(a) **AG District General Requirements.** See Table 27.72.010(a) below:

<b>Table 27.72.010(a)</b>			
<b>Maximum Height and Minimum Lot Requirements for the AG District</b>			
		AG	AG (farmstead splits)
All Allowed Uses	Lot Area	20 acres	1 acre
	Avg. Lot Width	550'	150'
	Frontage	550'	120'
	Front Yard	50'	50'
	Side Yard	60'	15'
	Rear Yard	100'	Lesser of 50' or 20% of the depth
	Height	35'	35'
For purposes of this section, minimum lot area, county section, and one-half section line road right-of-way are included for the purpose of determining area.			

(b) **AGR District General Requirements.** See Table 27.72.010(b) below:

<b>Table 27.72.010(b)</b>		
<b>Maximum Height and Minimum Lot Requirements for the AGR Districts</b>		
All Allowed Uses	Lot Area	3 acres
	Avg. Lot Width	220'
	Frontage	175'
	Front Yard	50'
	Side Yard	15'
	Rear Yard	Lesser of 50' or 20% of the depth
	Height	35'
If such lot abuts a cul-de-sac, the above requirements for average lot width and frontage may be met by providing a frontage of 175 feet measured at the required front yard line.		

(c) **Exceptions to the Minimum Lot Requirements in the AG and AGR Districts.**

- (1) If a lot in the AG zoning district has less area, width, or frontage or any combination thereof than herein required, and its entire boundary was under different ownership on the effective date of this title and has not since been changed, such lot or tract of land may be used for any of the uses listed in and in conformance with Table 27.72.010(c) below or for any permitted conditional use or permitted special use allowed on lots less than 20 acres in Chapters 27.62 and 27.63, respectively.
- (2) If a lot or tract of land in the AGR zoning district has less area or width, or both less area and width, than herein required, and its boundary lines along their entire length abutted lands under other ownership on November 2, 1953, and have not since been changed, such lot or tract of land may be used for any of the uses listed in and in conformance with Table per 27.72.010(c) column (b) below or for any permitted conditional use or permitted special use allowed on lots less than 20 acres in Chapters 27.62 and 27.63, respectively.
- (3) In the AGR zoning district, if a lot has less area, width or frontage or any combination thereof than herein required, and if on January 16, 1989, the area of the lot was one acre or more, and the average lot width of the lot was 150 feet or more and the frontage of the lot was 120 feet or more, such lot or tract of land may be used for any of the uses listed in and in conformance with per Table 27.72.010(c) column (a) below or for any permitted conditional use or permitted special use allowed on lots less than 20 acres in Chapters 27.62 and 27.63, respectively.

<b>Table 27.72.010(c)</b> <b>Exceptions to the Minimum Lot Requirements in the AG and AGR Districts</b>		
<b>Use Type</b>	<b>(a) 10 acres or more*</b>	<b>(b) Less than 10 acres</b>
Agriculture, except commercial feedlots	P	P
Breeding, raising, management, and sale of fur-bearing animals and the produce thereof; Dog Breeding Establishment and Kennels	P	
Stables and riding academies	P	
Public use	P	P

Use Type	(a) 10 acres or more*	(b) Less than 10 acres
Single-family dwelling	P	P
Churches	P	P
Greenhouses	—P—	—p**
Pet cemeteries	—P—	—p***
Dwellings for religious order	—P—	p****
<p>* A lot which was 10 acres or more, but which has since been reduced in area by public acquisition for right-of-way purposes, may be devoted to any of the uses permitted for 10 acres or more if the remaining area of such lot is nine or more acres.</p> <p><del>** Greenhouses shall be on a minimum of two acres. In addition, in the AGR zoning district, a greenhouse shall be in conformance with the requirements in Section 27.62.030(c).</del></p> <p><del>*** Pet cemeteries shall be on a minimum of five acres.</del></p> <p><del>**** In the AG zoning district, dwellings for members of a religious order shall be on a minimum of five acres.</del></p>		

- (4) In the AG zoning district: if two or more abutting lots in common ownership exist on the effective date of this title, each of such lots may be used for a single-family dwelling, provided, that each such lot shall contain a minimum area of two acres and shall have an average lot width of 150 feet. Abutting lots in common ownership which do not contain a minimum of two acres and an average lot width of 150 feet may be combined to meet these requirements. If any of the abutting lots in common ownership have less width or depth than herein required, the required side and rear yard may be adjusted as provided in (c)(1) and (c)(2) above, respectively.
- (5) In the AG zoning district, a lot or tract of land of one acre or more may be used for a single-family dwelling or public utility and distribution system purposes provided that:
- (i) For single-family dwelling use:
    - A. The dwelling has existed on such lot or tract of land for more than five years.
    - B. The dwelling is or has been used on the primary residence associated with a farm.
    - C. Such lot or tract of land and buildings shall be in conformance with the following maximum height and minimum lot requirements: General Requirements -- See Table 27.72.010(a) (farmstead splits).

- 1 D. However, if the lot or tract of land used for the dwelling do not meet the  
2 requirements of item Table 27.72.010(a) (farmstead splits), the single family  
3 dwelling shall be considered a non-standard use.
- 4 E. Such dwelling is in conformance with the other provisions of this title, the  
5 minimum housing code, and the minimum standards for water and sewage  
6 facilities.
- 7 (ii) For public utility and distribution system purposes:
- 8 A. Such lot or tract of land shall not be used, by itself, for any other purpose  
9 except agriculture.
- 10 (6) In the AG zoning district, in all interior sections of a township, the minimum area for a  
11 buildable lot shall be one-half of the total acreage contained in that quadrant of the quarter  
12 section in which said lot is located. In all closing sections (any section of land bordering  
13 on the north or west line of a township) except those which lie along the west line of  
14 Range 8 East, the minimum area for a buildable lot shall be as follows:
- 15 (i) For those lots located within a Government Lot (a lot created by the original  
16 government survey and recorded in the surveyor's records of Lancaster County), the  
17 minimum required area shall be one-half of the total acreage contained in said  
18 Government Lot.
- 19 (ii) For those lots which are not located within a Government Lot, the minimum  
20 required area shall be one-half of the total acreage contained in that quadrant of the  
21 quarter section in which said lot is located.
- 22 (iii) In those closing sections which lie along the west line of Range 8 East, the  
23 minimum area for a buildable lot shall be twenty acres, provided, however that the  
24 Board of Zoning Appeals, in conformance with the terms of Chapter 27.75, may  
25 hear and decide upon petitions to vary strict application of this requirement.

26 Section 5. That Sections 27.06.080, 27.63.090, 27.63.530, and 27.72.010 of the Lincoln

27 Municipal Code as hitherto existing be and the same are hereby repealed.

28 Section 6. Pursuant to Article VII, Section 7 of the City Charter, this ordinance shall be  
29 posted on the official bulletin board of the City, located on the wall across from the City Clerk's

1 office at 555 S. 10th Street, in lieu of and in place of newspaper publication with notice of passage  
2 and such posting to be given by publication one time in the official newspaper by the City Clerk. This  
3 ordinance shall take effect and be in force from and after its passage and publication as herein and  
4 in the City Charter provided.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Approved this \_\_\_\_ day of \_\_\_\_\_, 2015:

\_\_\_\_\_  
Mayor